

Remarks

This Amendment is provided in response to the Office Action mailed December 15, 2003, which rejected claims 1 – 13. In response, the applicant has hereinabove provided amendments to claims only to more particularly point out and distinctly claim that which is the patentable subject matter of the present invention. These amendments do not introduce new matter and will not provide an undue burden upon the Examiner.

Objection to Drawings Under 37 CFR 1.83(a)

The drawings were objected to for lack of explicitly showing the claim features “disc stack” and “multi-disc servo track writer.”

Claim 1 has been amended to delete “disc stack” and substitute therefore “stacked disc array.” There is support in the written description that the present invention contemplates stacking two or more discs into a stacked array. (see, for example, pg. 2 line 12; pg. 3 line 17, pg. 6 line 15; pg. 7 line 32; and pg 8 line 2) One skilled in the art readily recognizes the common term used in the industry for such a stacked array is a “disc stack.” Nevertheless, the Applicant has amended claim 1 solely to make explicit what was before implicit, that the disc stack can be referred to as a stacked disc array. Reconsideration and withdrawal of the present objection are respectfully requested.

Claim 1 has been amended to delete “multi-disc servo track writer” and substitute therefore “disc stacking machine.” There is support in the written description that the present invention contemplates forming the stacked disc array in a servo track writer. (see, for example, pg. 6 lines 15-17). Namely, this passage clearly contemplates that the disc stacking machine of FIG. 3 can be part of a servo track writer. Nevertheless, the Applicant has amended claim 1 solely to make explicit what was before implicit, by claiming the broader term “disc stacking machine” rather than “servo track writer.” Reconsideration and withdrawal of the present objection are respectfully requested.

Objection to Claim 6

Claim 6 was objected to for claiming “an index mark” comprising a first mark and a second mark. Claim 6 has been amended to delete “an index mark” and substitute therefore “index pattern.” There is support in the written description that the mark, taken as a whole,

may comprise two or more individual marks which is explicitly referred to as a pattern. The terms index mark, comprising two or more individual marks, or index pattern are equivalent. Nevertheless, the Applicant has amended claim 6 solely to make explicit what was before implicit. Claim 9 has been amended in a like manner. Reconsideration and withdrawal of this objection are respectfully requested.

Rejection of Claims 1 – 13 Under 35 USC 112, First Paragraph

Claims 1 – 13 were rejected for lack of support in the written description for the recited feature “removing the discs from the multi-disc servo track writer” in claim 1. As discussed above, claim 1 has been amended to delete the term “multi-disc servo track writer” and substitute therefor the broader term “disc stacking machine.”

There is support in the written description that the embodiments of the present invention contemplate writing servo code ex-situ, or while the discs are outside the disc drive. For example, without limitation:

A recent disc drive servo track writing technology known as Multi-Disc Writing (MDW) writes at least two discs at a time that are then assembled in the disc drive. (pg. 1 line 30 – pg. 2 line 2, emphasis added)

The present invention further includes an apparatus that detects the index mark or feature....Such an apparatus can be used to align a disc before information is written to the disc and before the disc is placed in a disc drive. (pg. 2 lines 14-19, emphasis added)

The configuration in FIGURE 3 can be incorporated into a disc stacking machine. The disc stacking machine stacks the aligned discs for a servo track writer. The configuration can also be used to align discs that already have servo information written and are to be put into a disc drive assembly. (pg. 6 lines 15-18, emphasis added)

The present invention can be used to align the discs for servo writing and then used to align the written discs for inclusion in a disc drive. (pg. 8 lines 9-10, emphasis added)

Any ex-situ servo writing method necessarily requires the claimed step of removing the discs from the servo writer. In the present case, the disc with servo information written thereon must necessarily be removed from the disc stacking machine portion of the servo writer. One skilled in the art readily recognizes the written description contemplates the claimed steps of orienting, removing, and reorienting in claim 1 in view of the illustrated embodiment associated with writing the servo information ex-situ, removing the discs from the servo writer, and then placing the written discs into the disc drive.

Claim 1 is allowable because the Applicant has obviated the present rejection by particular reference to the portions of the written description above clearly showing the Applicant had possession of the claimed subject matter. Claims 2-13 are dependent claims depending from allowable claim 1 and providing additional imitations thereto.

Reconsideration and withdrawal of the present rejection are respectfully requested.

Claim 13 was further rejected for lack of support in the written description for the recited feature “operably eliminating the disposition of the discs relative to each other defined in the orienting step.” As discussed above, the written description clearly communicates the embodiments of the present invention contemplate writing the servo information ex-situ. The written description further clearly communicates that the discs, after having servo information written thereto, must be aligned before placement into the disc drive. For example, without limitation, “The configuration can also be used to align discs that already have servo information written and are to be put into a disc drive assembly” (pg. 6 lines 17-18, emphasis added). Where the disc are aligned after servo writing, then either the discs have lost the relative disposition by being removed or a different relative disposition is desired in the reorienting step as compared to that of the orienting step. In either event, a skilled artisan readily recognizes the loss of or desired change of relative disposition of the discs necessarily associated with aligning the discs after the servo information has been written to them. Claim 1 is allowable because the Applicant has obviated the present rejection by particular reference to portions of the written description above clearly showing the Applicant had possession of the claimed subject matter. Reconsideration and withdrawal of the present rejection are respectfully requested.

References Not Relied On

The Applicant has reviewed the references cited but not relied on and believes the present invention as claimed in the pending claims is patentably distinct over all the references of record.

Conclusion

This is intended to be a complete response to the Office Action mailed December 15, 2003. The Amendments contained herein are believed to be proper, do not add new matter, and do not place an undue burden or require additional searching by the Examiner. All rejections and objections are obviated such that the pending claims are in condition to pass allowance. The Examiner is encouraged to contact the Applicant's representative below for any matter that might further facilitate prosecution on the merits.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read 'McCarthy', is written over a horizontal line.

Mitchell K. McCarthy, Registration No. 38,794

Randall K. McCarthy, Registration No. 39,297

Bill D. McCarthy, Registration No. 26,772

Daniel P. Dooley, Registration No. 46,369

Fellers, Snider, Blankenship, Bailey and Tippens, P.C.

100 N. Broadway, Suite 1700

Oklahoma City, Oklahoma 73102

Telephone: (405) 232-0621

Facsimile: (405) 232-9659